IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application
Inventor: James F. Zucherman et al.
Appl. No.: 10/684,669
Confirm. No.: 3387
Filed: October 14, 2003
Title: Artificial Vertebral Disk Replacement Implant with Translating Pivot Point and Method

PATENT APPLICATION

Art Unit: 3738
Examiner: Unknown

Customer No. 23910

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By: Linda Saunders Dated: October 8, 2004
Linda Saunders

Second Request for Refund of Excess Fees Paid Under 37 CFR §1.26

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It has been almost six months since the original Request for Refund was mailed to the USPTO on April 16, 2004. To date, our deposit account has not been credited with $40.00 that was paid in error. Again, pursuant to 37 CFR §1.26(a), Applicants request refund of a fee paid in excess of that required with respect to the above-identified application.

A fee of $105.00 was paid for a Response to Missing Parts as evidenced by the attached copy of the returned check. The correct fee amount due was $65.00. Applicants respectfully request a refund of $40.00 for the excess fee paid.

Pursuant to 37 CFR §1.26(b), this request for refund is being submitted within two years from the date of payment of the excess fee identified above.

The Commissioner is authorized to credit the refund to Deposit Account 06-1325. A duplicate of this Request is enclosed.

Respectfully submitted,

Date October 8, 2004

By
Suvashis Bhattacharya
Reg. No. 46,554

Customer No. 23910
Fliesler Meyer LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
415/362-3800 Telephone

SXB/KLYCD-05007US1/ReqForRefund2

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One Hundred Five and No/100 Dollars

DATE 03/15/2004

AMOUNT $105.00

PAY TO THE ORDER OF U S PATENT & TRADEMARK OFFICE

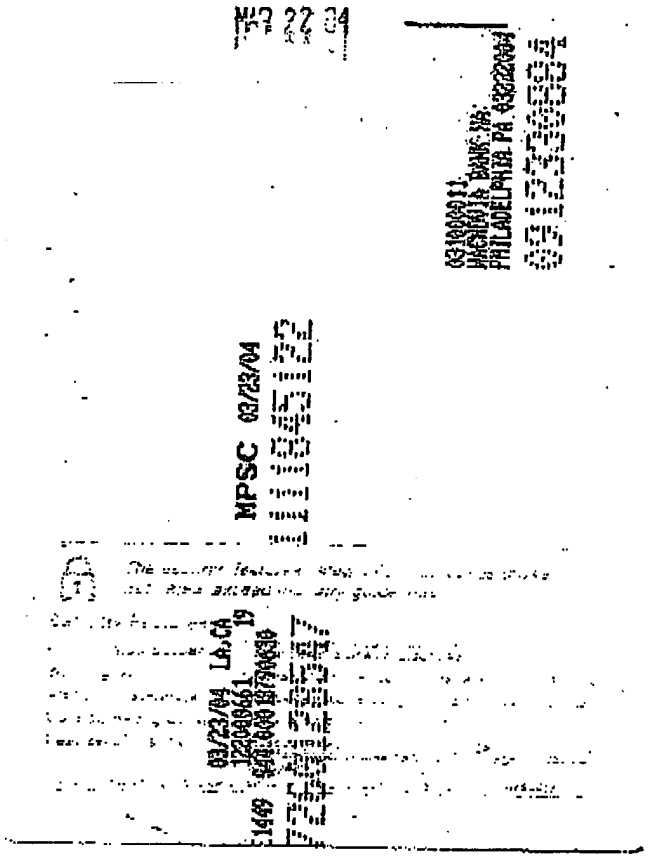
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